

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2418 – HB 2314

March 11, 2014

SUMMARY OF ORIGINAL BILL: Enacts the Uniform Deployed Parents Custody and Visitation Act which establishes considerations, timeframes, and actions in determining the parental and custodial arrangements for children of a parent who is a deployed military service member. Establishes timeframes in which a deploying parent must notify in record of a deployment. Requires both parties to provide a plan for fulfilling the parent's share of custodial responsibilities during deployment. Authorizes the parents to enter into a temporary agreement granting custodial responsibility during deployment and establishes criteria for the agreement.

Authorizes a deploying parent to delegate all or part of his or her custodial responsibility or decision making authority to an adult nonparent for the period of deployment in certain instances. An adult nonparent granted caretaking authority, decision-making authority, or limited contact has standing to enforce the grant until it is terminated by court order. Prohibits the court from issuing a permanent order granting custodial responsibility after a deploying parent receives notice of the deployment without the consent of the deploying parent. Authorizes a party or witness to appear in a proceeding by electronic means unless the court finds good cause to require a personal appearance.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014116): Deletes all language after the enacting clause and rewrites the bill making various non-substantive changes. Redefines "deployment" to mean the movement or mobilization of a services member for more than 30 days, instead of 90 days to 18 months. Limits the motion of a deploying parent to grant caretaking authority to a nonparent who is an adult family member of the child. Limits the court's granting authority of a deploying parent's decision-making authority to a nonparent adult family member or an adult with whom the child has a close and substantial relationship. Deletes the court's authority to grant, on the motion of a deploying parent, limited contact with a nonparent adult.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

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Assumptions for the bill as amended:

- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.
- Any fiscal impact will be mostly borne by private parties; therefore, the impact to state and local government is considered not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/kml